



Wyoming  
Association of  
Municipalities  
*Building Strong Communities*

September 16, 2019

**VIA ELECTRONIC FILING**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, District of Columbia 20554

*RE: Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84; Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Docket No. 17-79*

Dear Ms. Dortch,

The Wyoming Association of Municipalities (WAM) writes to express its concerns about the Federal Communications Commission's proposed Declaratory Ruling and Third Report and Order regarding state and local governance of small cell wireless infrastructure deployment. WAM is a non-partisan 501(c)6 entity representing Wyoming's ninety-nine (99) incorporated cities and towns. WAM advocates for cities' and towns' common interests and provides educational opportunities for our members. While we appreciate the Commission's efforts to engage with local governments on this issue and share the Commission's goal of ensuring the growth of cutting-edge broadband services for all Americans, we remain deeply concerned about several provisions of this proposal. Local governments have an important responsibility to protect the health, safety and welfare of residents, and we are concerned that these preemption measures compromise that traditional authority and expose wireless infrastructure providers to unnecessary liability.

- **The FCC's proposed new collocation shot clock category is too extreme.** The proposal designates any preexisting structure, regardless of its design or suitability for attaching wireless equipment, as eligible for this new expedited 60 day shot clock. When paired with the FCC's previous decision exempting small wireless facilities from federal historic and environmental review, this places an unreasonable burden on local governments to prevent historic preservation, environmental, or safety harms to the community. The addition of up to three cubic feet of antenna and 28 cubic feet of additional equipment to a structure not originally designed to carry that equipment is substantial and may necessitate more review than the FCC has allowed in its proposal. Wyoming is known for its wind, and strong winds will certainly cause concerns regarding safety for the public.
- **The FCC's proposed definition of "effective prohibition" is overly broad.** The draft report and order proposes a definition of "effective prohibition" that invites challenges to long-standing local rights of way requirements unless they meet a subjective and unclear set of guidelines. While the Commission may have intended to preserve local review, this framing and definition of effective prohibition opens local governments to the likelihood of more, not less, conflict and



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litigation over requirements for aesthetics, spacing, and undergrounding. Local authority in determining what is in the best interest of their community is paramount...the local voice, residents, must also be heard and not stymied.

- **The FCC's proposed recurring fee structure is an unreasonable overreach that will harm local policy innovation.** We firmly disagree with the FCC's interpretation of "fair and reasonable compensation" as meaning approximately \$270 per small cell site. Local governments share the federal government's goal of ensuring affordable broadband access for every American, regardless of their income level or address. That is why many cities have worked to negotiate fair deals with wireless providers, which may exceed that number or provide additional benefits to the community. Additionally, the Commission has moved away from rate regulation in recent years. Why does it see fit to so narrowly dictate the rates charged by municipalities?

WAM has and continues to work with Wyoming telecommunications businesses to build the best broadband infrastructure possible for our residents and businesses. WAM has hosted educational and informative workshops on industry needs and municipal needs, exchanged innovative ideas and concepts, and this has been done in a spirit of cooperation. These Wyoming and local efforts have and will continue to provide the direction needed for residents and businesses. Wyoming is a rural state, and its municipalities should be allowed to govern and make decisions at the local level.

We oppose this effort to restrict local authority and stymie local innovation, while limiting the obligations providers have to our community. We urge you to oppose this declaratory ruling and report and order.

Respectfully submitted,

Richard L. Kaysen, Executive Director

